



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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March 5, 2020

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TO: CELIA ZAVALA
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: ADRIENNE M. BYERS
Litigation Cost Manager
Executive Office

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Jane N.B. Doe v. County of Los Angeles, et al.
Los Angeles Superior Court Case No. 18STCV00604

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

AMB:vc

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Jane N.B. Doe v. County of Los Angeles, et al., Los Angeles Superior Court Case No. 18STCV00604 in the amount of \$625,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Parks and Recreation's budget.

This lawsuit concerns allegations of sexual molestation by a Department of Parks and Recreation employee.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Jane N.B. Doe v. County of Los Angeles, et al.
CASE NUMBER	18STCV00604
COURT	Los Angeles Superior Court
DATE FILED	October 9, 2018
COUNTY DEPARTMENT	Department of Parks and Recreation
PROPOSED SETTLEMENT AMOUNT	\$ 625,000
ATTORNEY FOR PLAINTIFF	Christina Cheung Allred Maroko & Goldberg
COUNTY COUNSEL ATTORNEY	Richard K. Kudo Principal Deputy County Counsel
NATURE OF CASE	<p>The case involves claims by minor plaintiff Jane N.B. Doe that defendant Paul Gonzales sexually molested and harassed her while she trained at the Eastside Eddie Heredia Boxing Club that is operated by the Department of Parks and Recreation. The alleged molestation and harassment occurred from approximately June through November 2017. Mr. Gonzales, a former Olympic boxing gold medalist, was the club's recreation services supervisor and head boxing coach. His alleged misconduct include inappropriate touching, calling and texting plaintiff with inappropriate sexual dialogue, soliciting and receiving inappropriate sexual images, and sending plaintiff inappropriate sexual images. Plaintiff claims to have suffered damages from the alleged molestation. Due to the risks and uncertainties of litigation, a full and final settlement of the case is warranted.</p>
PAID ATTORNEY FEES, TO DATE	\$ 48,916
PAID COSTS, TO DATE	\$ 4,661

Case Name:	Jane Doe v. County of Los Angeles
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Summary Corrective Action Plan

Incident/Event Specific Information

Date of Incident/Event:	June 2017
Briefly provide a description of the incident/event:	<p>This Corrective Action Plan arises out of an allegation that a County employee (P. Gonzales), from the Department of Parks and Recreation (Department), engaged in unlawful sexually-related conduct with a minor. Plaintiff alleges that the County knew or should have known, but failed to disclose or report, the information as required by law. There is strong evidence that some form of the unlawful conduct did take place.</p> <p>Plaintiff alleges that the County employee sexually battered, assaulted, and engaged in sexually inappropriate behavior toward her, including inappropriate text communication.</p> <p>Plaintiff admitted that she never reported the County employee to anyone and never told any adult about his alleged inappropriate behavior. Plaintiff's mother discovered the inappropriate photographs and texts between Plaintiff and the County employee, and she immediately reported this correspondence to law enforcement.</p> <p>The County employee was arrested and charged with five felony counts. As soon as the Department became aware of these charges, administrative action was taken against the employee. Following his arrest, he was placed on unpaid administrative leave. Final administrative action is pending the conclusion of the criminal action.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

- Root Cause 1: There is strong evidence that some form of the alleged unlawful sexually-related conduct with a minor was committed by the County employee.
- Root Cause 2: The Department has vulnerable situations whereby minors are exposed to closed-door one-on-one interactions with adults.
- Root Cause 3: The Department did not have a consistent and uniform training program to train Department employees on how to prevent, identify and report unlawful sexually-related conduct with minors.
- Root Cause 4: The Department did not have measures in place to educate and encourage parents and minors on reporting high-risk interactions and unlawful sexually-related conduct.

2. Briefly describe recommended corrective actions:

(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

Root Cause 1:

The County employee was arrested by law enforcement and was criminally charged with five felony counts. His arrest was the first time the Department was made aware of the child abuse allegations, and the Department immediately took action by placing the employee on unpaid administrative leave pending the outcome of the criminal action. The Department also filed a CPOE Complaint against the County employee and the complaint received an "A" designation. The CPOE investigation is currently underway. If the County employee is found guilty of any of the felony charges, the Department will pursue the maximum allowable administrative discipline, including permanent termination without the possibility of rehire. The Department will provide a Supplemental Report to the Board once any additional administrative action against the County employee becomes finalized.

Root Cause 2:

The Department will revise existing Department Policy #209, Child Abuse Reporting and Handling, to prohibit one-on-one closed-door interaction between a minor and an adult employee or volunteer. The Department will identify program and facility classifications that are high-risk for exposing employees and volunteers to a one-on-one closed-door interaction with minors. The Department's Human Resources (HR) Division will train appropriate staff on the revised policy and have the employees acknowledge completion of the training by signing a form. The HR Division will monitor training compliance on the policy on an annual basis, using similar methods used to monitor compliance with the Countywide Sexual Harassment Training.

Root Cause 3:

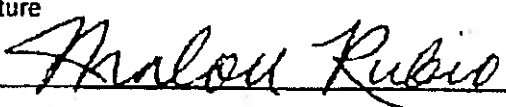
The Department has implemented a consistent and uniform mandatory California Child Abuse Mandated Reporter Training and completion acknowledgement form for all employees. The Department will continue to ensure that all employees complete the County's mandated Sexual Harassment Prevention Training. In addition, the Department will provide supplemental training for appropriate managers and supervisors to increase awareness and prevention of unlawful sexually-related conduct with minors. The Department will also develop training to address inappropriate texting and social media usage.

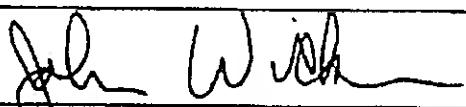
Root Cause 4:

The Department will establish and implement a child abuse reporting and prevention program. The Department will work with parents, families and minors to educate them on how to identify, report, and prevent high-risk situations from occurring. Informational brochures, on unlawful sexually-related conduct with minors, will be developed, disseminated to the public, and posted at local park facilities as well as the Department's website. Additionally, parents and children will be provided with contact information, including a toll-free number and an e-mail address, to directly report prohibited one-on-one interactions and unlawful sexually-related conduct to a Department designated employee for immediate action.

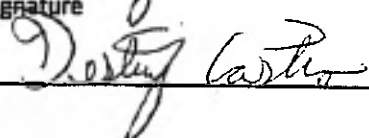
3. Are the corrective actions addressing department-wide system issues?

- ☒ Yes – The corrective actions address department-wide system issues.
☐ No – The corrective actions are only applicable to the affected parties.

Name: (Risk Management Coordinator)	
Malou Rubio	
Signature 	Date: 11/12/19

Name: (Department Head)	
John Wicker	
Signature 	Date: 11/14/19

Chief Executive Office Risk Management Inspector General USE ONLY	
Are the corrective actions addressing department-wide system issues?	
<input checked="" type="checkbox"/> Yes – The corrective actions address department-wide system issues. <input type="checkbox"/> No – The corrective actions are only applicable to the affected parties.	

Name: (Risk Management Inspector General)	
Destiny Castro	
Signature 	Date: 11/15/2019